THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.1303 of 2006

Dt.23.3.2006

Between:

M.A.Tameen and others … Petitioners

And

The District Collector,

Chittoor and another

…Respondents

ORDER:

Petitioners seek to issue writ of mandamus declaring the impugned order passed by the Mandal Revenue Officer, Nagari Mandal vide Rc.B/999/2004, dt.20.6.2005 (received on 26.11.2005) resuming the land in Survey Nos.55/1, 55/2, 55/6 and 50/3 to an extent of 0.62 cents, 0.80 cents, Ac.1.78 cents, Ac.2.06 cents and Ac.2.25 cents respectively situated at Keelapattu Village, Nagari Mandal, Chittoor District, as illegal and arbitrary and consequently set aside the said impugned order and further direct the respondents not to interfere with the lawful and peaceful possession of the petitioners' land in question.

The facts, in brief, are as follows:

The petitioners have purchased the lands in Sy.Nos.55/1, 55/2, 55/6 and 50/3 admeasuring to an extent of 0.62 cents, 0.80 cetns, Ac.1.78 cents, Ac.2.06 cents and Ac.2.25 cents respectively from the original assignee by way of various registered sale deeds in the year 1988 for valid consideration and raised mango garden in the said lands. It is stated that the petitioners are small farmers and they have not violated any provisions of the A.P.Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act'). While so, the 2nd respondent passed the impugned order dated 20.6.2005 resuming the said lands alleging that the petitioners are in possession of the said lands in contravention of provisions of Section 3 of the Act. It is stated that the action of the 2nd respondent without issuing any notice is in violation of the principles of natural justice.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The learned Government Pleader, on instructions, submits that the reference mentioned in the impugned order in Roc.B/999/04, dt.2.6.2005 is a notice issued in Form-I under Rule 3 of the Act and as such notices have been served on the original assignees and family members of the petitioners and wherever notices have not been served they have been published on their lands itself and therefore there is no violation of principles of natural justice.

I am not inclined to express any opinion as to whether the said lands have been alienated contrary to the provisions of Section 3(2) of the Act and whether the principles of natural justice are violated or not. Having regard to the facts and circumstances of the case, as against the order of the 2nd respondent, there is an effective alternative remedy available to the petitioners under Section 4-A of the Act to file an appeal before the Revenue Divisional Officer. Accordingly, the petitioners are directed to file an appeal before the Revenue Divisional Officer concerned within one week from the date of receipt

of a copy of this order and on such filing of an appeal, the same shall be considered and disposed of as expeditiously as possible in accordance with law after giving reasonable opportunity to the petitioners. Till the appeal is disposed of, status quo obtaining as on today with regard to the possession of the lands in question shall be maintained.

The writ petition is disposed of accordingly. No order as to costs.

V.ESWARAIAH, J.

23.3.2006

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